

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IDES PEREZ DIAZ, et. al.,

Plaintiffs,

v.

UNICO EN SABORES, INC. *d/b/a*
MORELIA MEXICAN GRILL, et. al.,

Defendants.

§
§
§
§
§
§
§
§
§

1:19-cv-1036-RP

ORDER

Before the Court is the Agreed Motion to Dismiss by Plaintiffs Ides Perez Diaz, Eduardo Bautista Diaz, and Fernando Bautista Diaz (collective, the “Plaintiffs”) and Defendants Unico en Sabores, Inc. *d/b/a* Morelia Mexican Grill, Sinergy Workforce Solutions LLC, and Israel Arreola, Jr. (collectively, the “Defendants”). (Dkt. 25). The parties resolved all claims between the Plaintiffs and the Defendants and request that the Court dismiss all claims against the Defendants with prejudice. (*Id.* at 1).

The Court construes the parties’ motion to dismiss as a motion to dismiss pursuant to Federal Rule of Civil Procedure Rule 41(a)(2). Rule 41(a)(2) “allows plaintiffs to freely dismiss their suits, subject to court approval, provided the dismissal does not prejudice any party.” *Templeton v. Nedlloyd Lines*, 901 F.2d 1273, 1274 (5th Cir. 1990). The district court has discretion to grant a Rule 41(a)(2) motion to dismiss. *Mansback v. Sw. Elec. Power Co.*, 915 F.2d 172, 174 (5th Cir. 1990). Generally, motions for voluntary dismissal should be freely granted, unless the non-moving party can show it would suffer some plain legal prejudice. *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002).

The Plaintiffs seek to voluntarily dismiss their claims with prejudice. (Dkt. 25). The Defendants joined the Plaintiffs' request for dismissal. (*See id.*). The Court thus finds that the Defendants will not suffer prejudice from the dismissal of the Plaintiffs' claims against them.

Accordingly, the joint motion to dismiss, (Dkt. 25), is **GRANTED. IT IS ORDERED** that the Plaintiffs' claims against the Defendants are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that each party shall bear its own costs.

The Court will enter final judgment by separate order.

SIGNED on March 8, 2021.

A handwritten signature in blue ink, appearing to read 'Robert Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE